



**CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
125 Locust Street
Northampton, MA 01060**

**413-587-1570
Fax 413-587-1576**

Edward S. Huntley, P.E.
Director

**CITY OF NORTHAMPTON
CLAIMS PROCEDURE
SEWER AND WATER CLAIMS**

Dear Claimant:

Enclosed is a Claim Form for Damages caused by Sewer or Water that is to be **completed and returned to the Department of Public Works (DPW), 125 Locust Street, Northampton, MA 01060.**

Upon receipt of the completed form, the DPW will conduct an investigation regarding the claim and forward the claim to the Board of Public Works (BPW) for a determination. The BPW will review the claim at a public meeting. You will be given notice of this meeting and will be entitled to attend.

The Board of Public Works will, after all evidence has been gathered, decide to pay your claim in whole or in part, deny your claims, or take some other suitable action. You will be notified of whatever action the Board decides to take.

Please note that under Massachusetts's law, persons making claims against a City must follow very specific procedures for giving notice to the City of that claim. Failure to comply with the law concerning such notice can bar your claim in the courts.

If you are filing a claim for damages for some other cause than a defect in a public way or sidewalk, you may file your notice any time within two years of the date of the incident. Notice filed with the City Clerk, Treasurer, Mayor or City Solicitor will be sufficient in these cases. If you have any doubt about the type of notice you need to file, call the Clerk of the Council. Copies of the applicable laws are attached.

Chapter 84: Section 15 Personal injuries or property damage from defective ways

Section 15. If a person sustains bodily injury or damage in his property by reason of a defect or a want of repair or a want of a sufficient railing in or upon a way, and such injury or damage might have been prevented, or such defect or want of repair or want of railing might have been remedied by reasonable care and diligence on the part of the county, city, town or person by law obliged to repair the same, he may, if such county, city, town or person had or, by the exercise of proper care and diligence, might have had reasonable notice of the defect or want of repair or want of a sufficient railing, recover damages therefor from such county, city, town or person; but he shall not recover from a county, city, town or local water and sewer commission more than one fifth of one per cent of its state valuation last preceding the commencement of the action nor more than five thousand dollars; nor shall a county, city or town be liable for an injury or damage sustained upon a way laid out and established in the manner prescribed by statute until after an entry has been made for the purpose of constructing the way, or during the construction and repairing thereof, provided that the way shall have been closed, or other sufficient means taken to caution the public against entering thereon. No action shall be maintained under this section by a person the combined weight of whose carriage or vehicle and load exceeds six tons.

Chapter 84: Section 17 Injury or damage caused by snow or ice

Section 17. A county, city or town shall not be liable for an injury or damage sustained upon a public way by reason of snow or ice thereon, if the place at which the injury or damage was sustained was at the time of the accident otherwise reasonably safe and convenient for travelers.

Chapter 84: Section 18 Notice of injury; contents; limitation of action

Section 18. A person so injured shall, within thirty days thereafter, give to the county, city, town or person by law obliged to keep said way in repair, notice of the name and place of residence of the person injured, and the time, place and cause of said injury or damage; and if the said county, city, town or person does not pay the amount thereof, he may recover the same in an action of tort if brought within three years after the date of such injury or damage. Such notice shall not be invalid or insufficient solely by reason of any inaccuracy in stating the name or place of residence of the person injured, or the time, place or cause of the injury, if it is shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. The words "'place of residence of the person injured", as used in this and the two following sections, shall include the street and number, if any, of his residence as well as the name of the city or town thereof. Failure to give such notice for such injury or damage sustained by reason of snow or ice shall not be a defense under this section unless the defendant proves that he was prejudiced thereby.

Chapter 84: Section 19 Service of notice

Section 19. Such notice shall be in writing, signed by the person injured or by some one in his behalf, and may be given, in the case of a county, to one of the county commissioners or the county treasurer; in the case of a city, to the mayor, the city clerk or treasurer; in the case of a town, to one of the selectmen or to the town clerk or treasurer. If the person injured dies within the time required for giving the notice, his executor or administrator may give such notice within thirty days after his appointment. If by reason of physical or mental incapacity it is impossible for the person injured to give the notice within the time required, he may give it within thirty days after such incapacity has been removed, and if he dies within said thirty days his executor or administrator may give the notice within thirty days after his appointment. Any form of written communication signed by the person so injured, or by some person in his behalf, or by his executor or administrator, or by some person in behalf of such executor or administrator, which contains the information that the person was so injured, giving the name and place of residence of the person injured and the time, place and cause of the injury or damage, shall be considered a sufficient notice.

Chapter 258: Section 4 Instituting claims; final denial; limitation of actions

Section 4. A civil action shall not be instituted against a public employer on a claim for damages under this chapter unless the claimant shall have first presented his claim in writing to the executive officer of such public employer within two years after the date upon which the cause of action arose, and such claim shall have been finally denied by such executive officer in writing and sent by certified or registered mail, or as otherwise provided by this section. The failure of the executive officer to deny such claim in writing within six months after the date upon which it is presented, or the failure to reach final arbitration, settlement or compromise of such claim according to the provisions of section five, shall be deemed a final denial of such claim. No civil action shall be brought more than three years after the date upon which such cause of action accrued. Disposition of any claim by the executive officer of a public employer shall not be competent evidence of liability or amount of damages.

Notwithstanding the provisions of the preceding paragraph, in the case of a city or town, presentment of a claim pursuant to this section shall be deemed sufficient if presented to any of the following: mayor, city manager, town manager, corporation counsel, city solicitor, town counsel, city clerk, town clerk, chairman of the board of selectmen, or executive secretary of the board of selectmen; provided, however, that in the case of the commonwealth, or any department, office, commission, committee, council, board, division, bureau, institution, agency or authority thereof, presentment of a claim pursuant to this section shall be deemed sufficient if presented to the attorney general.

The provisions of this section shall not apply to such claims as may be asserted by third-party complaint, cross claim, or counter-claim, or to small claims brought against housing authorities pursuant to sections twenty-one to twenty-five, inclusive, of chapter two hundred and eighteen; provided however, that no small claim shall be brought against a housing authority more than three years after the date upon which the cause of action arose.

**CITY OF NORTHAMPTON
BOARD OF PUBLIC WORKS**

CLAIM FOR DAMAGES CAUSED BY SEWER OR WATER

1. **Name of Claimant:** _____

Address: _____

City/Town: _____ **Telephone:** _____
2. **Date & Time of Incident:** _____

Location of Incident: _____

3. **Description of Incident:** _____

4. **Description of Damage:** _____

5. **Names & Addresses of Witnesses:** _____

6. **Names & Addresses of Establishments Servicing Damages:** _____

7. **Name of Insurance Company/Agent:** _____

Type of Coverage: _____

Damages Covered by Insurance: _____

8. **Repairs/Replacement (itemize, indicating type of repairs made and cost, use Separate sheet if necessary; please include copies of bills or receipts).:**

Description:	Cost:
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_____	_____
_____	_____
_____	_____

9. **Other Damages Claimed (be specific)**

Description:	Cost:
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_____	_____
_____	_____

10. **TOTAL DAMAGES CLAIMED:** _____

Name of Person Filling Out Form: _____

Address: _____

City/Town:	Telephone:
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Signature:	Date:
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Signature of Claimant: _____